



U.S. Department  
of Transportation

# Federal Highway Administration

## Summary of Environmental Legislation Affecting Transportation

December 1998

# Compendium of Federal Environmental Laws Affecting Transportation

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LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>GENERAL ENVIRONMENTAL STATUTES</u>					
National Environmental Policy Act: 42 U.S.C. 4321-4335 (P.L. 91-190) (P.L. 94-83)	23 CFR 771-772 40 CFR 1500- 1508 Executive Order 11514 as amended by Executive Order 11991 on NEPA responsibilities	Consider environmental factors through systemic interdisciplinary approach before committing to a course of action.	All FHWA actions	Procedures set forth in CEQ Regulations and 23 CFR 771	Appropriate Federal, State, and local agencies

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Section 4(f) of The Department of Transportation Act: 23 U.S.C. 138 49 U.S.C. 303 (P.L. 100-17) (P.L. 97-449) (P.L. 86-670)	23 CFR 771.135	Preserve publicly owned public parklands, waterfowl and wildlife refuges, and significant historic sites.	Significant publicly owned public parklands, recreation areas, wildlife and waterfowl refuges, and all significant historic sites "used" for a highway project.	Specific finding required: 1. Selected alternative must avoid protected areas, unless not feasible or prudent; and 2. Includes all possible planning to minimize harm.	DOI, DOA, HUD, State, or local agencies having jurisdiction and State historic preservation officer (for historic sites)

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Economic, social, and environmental effects: 23 U.S.C. 109(h) (P.L. 91-605) 23 U.S.C. 128	23 CFR 771-772	To assure that possible adverse, economic, social, and environmental effects of proposed highway projects and project locations are fully considered and that final decisions on highway projects are made in the best overall public interest.	Applicable to the planning and development of proposed projects on any Federal-Aid system for which the FHWA approves the plans, specifications, and estimates, or has the responsibility for approving a program.	Identification of economic, social, and environmental effects; consideration of alternative courses of action; involvement of other agencies and the public; systematic interdisciplinary approach. The report required by Section 128 on the consideration given to S.E.E. impacts, may be the N.E.P.A. compliance document.	Appropriate Federal, State and local agencies.

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 et seq., P.L. 91-646) as amended by the Uniform Relocation Act Amendments of 1987 (P.L. 100-17)	49 CFR 24	To implement the Uniform Act as amended in an efficient manner; to ensure property owners of real property acquired for and persons displaced by Federal-Aid projects are treated fairly, consistently, and equitably; and so they will not suffer disproportionate injuries.	All projects involving Federal- Aid funds.	Procedures set forth in 49 CFR 24	DOT/FHWA has lead responsibility. Appropriate Federal, State, and local agencies.

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Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) 23 U.S.C. 324; Americans with Disabilities Act (42 U.S.C. 12101) and related statutes.	49 CFR 21 AND 23 CFR 200.	To ensure that no person shall, on the grounds of race, color,national origin, age, sex, or disability be subjected to discrimination under any program or activity receiving federal financial assistance.	All Federal programs and projects.	Procedures set forth in 49 CFR 21 and 23 CFR 200.	FHWA headquarters and field offices.

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Executive Order 12898: Environmental Justice	59 FR 7629, 62 FR 18377, 60 FR 33896	Avoid Federal actions which cause disproportionately high and adverse impacts on minority and low income populations with respect to human health and the environment.	All Federal programs and projects.	Procedures set forth in DOT Final Environmental Justice Strategy and DOT order dated April 15, 1997, and FHWA order dated December 2, 1998.	FHWA headquarters and field offices.



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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Public hearings: 23 U.S.C. 128	23 CFR 771.111(h)	To ensure adequate opportunity for public hearings on the effects of alternative project locations and major design features; as well as the consistency of the project with local planning goals and objectives.	Public hearings or hearing opportunities are required for projects described in each State's FHWA- approved public involvement procedures.	Public hearings or opportunity for hearings during the consideration of highway location and design proposals are conducted as described in the State's FHWA- approved, public involvement procedures. States must certify to FHWA that such hearings or the opportunity for them have been held and must submit a hearing transcript to FHWA.	Appropriate Federal, State, and local agencies.

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
The Historic Bridge Program: 23 U.S.C. 144(o) (P.L. 100-17)		Complete an inventory of on and off system bridges to determine their historic significance. Encourage the rehabilitation, reuse, and preservation of historic bridges.	Any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.	1. Identify historic bridges on and off system. 2. Attempt to donate bridge to public or responsible private entity prior to demolition. Preservation costs up to demolition cost available to donee.	State Historic Preservation Officer,  Advisory Council on Historic Preservation.

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Wildflowers 23 U.S.C. 319(b) (P.L. 100-17)	23 CFR 752	To encourage the use of native wildflowers in highway landscaping.	Native wildflowers are to be planted on any landscaping project undertaken on the Federal-Aid highway system.	At least 1/4 of 1% of funds expended on a landscaping project must be used to plant native wildflowers on that project.	FHWA  State, Division, Regional contacts.

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<u>GENERAL ENVIRONMENTAL STATUTES</u>					
Highway Beautification Act of 1965 23 U.S.C. 131 23 U.S.C. 136 23 U.S.C. 319 (P.L. 89-285)	23 CFR 750 23 CFR 751 23 CFR 752	To provide effective control of outdoor advertising and junkyards, to protect the public investment, to promote the safety and recreational value of public travel and preserve natural beauty, and to provide landscapes and roadside development reasonably necessary to accommodate the traveling public.	Interstate and primary systems (as primary system existed on June 1, 1991)and NHS.	Procedures set forth in 23 CFR 750, 751, and 752	DOT/FHWA, State, and local agencies.

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<u>HEALTH</u>					
Safe Drinking Water Act: 42 U.S.C. 300F- 300J-6 (P.L. 93-523) (P.L. 99-339)	FAPG Subpart E	Ensure public health and welfare through safe drinking water.	1. All public drinking water systems and reservoirs (including rest area facilities). 2.Actions which may have a significant impact on an aquifer or wellhead protection area which is the sole or principal drinking water.	1. Compliance with national primary drinking water regulations. 2. Compliance with wellhead protection plans. 3.Compliance with MOAs between EPA and FHWA covering specific sole source aquifers.	EPA Appropriate State agency

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<u>HEALTH</u>					
Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976: 42 U.S.C. 6901, et seq., especially 42 U.S.C. 6961-6964 (P.L. 89-272) (P.L. 91-512) (P.L. 94-580)	40 CFR 256-300	Provide for the recovery, recycling, and environmentally safe disposal of solid wastes.	All projects which involve the recycling or disposal of solid wastes.	Solid wastes will be disposed of according to the rules for specific waste involved.	EPA

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<u>HEALTH</u>					
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA): 7 U.S.C. 136-136Y (P.L. 92-516)	40 CFR 152-171	Control the application of pesticides to provide greater protection to man and the environment.	All activities which necessitate use of restricted pesticides.	Using or supervising "restricted use" pesticides will require certification.	EPA

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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
Section 106 of the National Historic Preservation Act, as amended: 16 U.S.C. 470f (P.L. 89-665) (P.L. 91-243) (P.L. 93-54) (P.L. 94-422) (P.L. 94-458) (P.L. 96-199) (P.L. 96-244) (P.L. 96-515) (P.L. 102-575)	Executive Order 11593 23 CFR 771 36 CFR 60 36 CFR 63 36 CFR 800	Protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, archeology, and culture.	All properties on or eligible for inclusion on the National Register of Historic Places.	1. Identify and determine the effects of project on subject properties. 2. Afford Advisory Council an early opportunity to comment, in accordance with 36 CFR 800. 3. Avoid or mitigate damages to greatest extent possible.	State Historic Preservation Officer,  Advisory Council on Historic Preservation  DOI (NPS)



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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
Section 110 of the National Historic Preservation Act, as amended: 16 U.S.C.470H-2 (P.L. 96-515)	36 CFR 65 36 CFR 78	Protect National historic landmarks. Record historic properties prior to demolition.	All properties designated as National historic landmarks. All properties on or eligible for inclusion on the National Register of Historic Places.	1. Identify and determine the effects of project on subject properties. 2. Afford Advisory Council an early opportunity to comment, in accordance with 36 CFR 800.	State Historic Preservation Officer,  Advisory Council on Historic Preservation  DOI (NPS)

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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
Archeological and Historic Preservation Act: 16 U.S.C. 469-469C (P.L. 93-291) (Moss-Bennett Act)	36 CFR 66 (Draft)	Preserving significant historical and archeological data from loss or destruction.	Any unexpected archeological resources discovered as a result of a Federal construction project or Federally licensed activity or program.	1. Notify DOI (NPS) when a Federal project may result in the loss or destruction of a historic or archeological property. 2. DOI and/or the Federal agency may undertake survey or data recovery.	DOI (NPS) Departmental consulting archeologist  State Historic Preservation Officer

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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
Archeological Resources Protection Act: 16 U.S.C. 470aa-11 (P.L. 96-95)	18 CFR 1312 32 CFR 229 36 CFR 79 36 CFR 296 43 CFR 7	Preserve and protect paleontological resources, historic monuments, memorials, and antiquities from loss or destruction.	Archeological resources on Federally or Native American-owned property.	1. Ensure contractor obtains permit, and identifies and evaluates resource. 2. Mitigate or avoid resource in consultation with appropriate officials in the State. 3. If necessary, apply for permission to examine, remove, or excavate such objects.	Department or agency having jurisdiction over land on which resources may be situated (BIA, BLM, DOA, DOD, NPS, TVA, USFS, State Historic Preservation Officer, Recognized Indian Tribe, if appropriate)

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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
Act for the Preservation of American Antiquities 16 U.S.C. 431-433 (P.L. 59-209)	36 CFR 251.50- .64 43 CFR 3			1. Notify DOI (NPS) when a Federal project may result in the loss or destruction of a historic or archeological property. 2. DOI and/or the Federal agency may undertake survey or data recovery.	DOI (NPS) Departmental consulting archeologist  State Historic Preservation Officer

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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
American Indian Religious Freedom Act: 42 U.S.C. 1996 (P.L. 95-341)	Executive Order No. 13007	Protect places of religious importance to American Indians, Eskimos, and Native Hawaiians.	All projects which affect places of religious importance to Native Americans.	Consult with knowledgeable sources to identify and determine any effects on places of religious importance. Comply with Section 106 procedures if the property is historic.	BIA State Historic Preservation Officer State Indian Liaison Advisory Council on Historic Preservation if appropriate.

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<u>HISTORIC AND ARCHEOLOGICAL PRESERVATION</u>					
Native American Grave Protection and Repatriation Act: (P.L. 101-601) 25 U.S.C. 3001 et seq.	43 CFR 10	Protect human remains and cultural material of Native American and Hawaiian groups.	Federal lands and Tribal lands.	Consult with Native American group.	DOI (NPS) BIA State Historic Preservation Officer.

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<u>LAND AND WATER USAGE</u>					
Wilderness Act: 16 U.S.C. 1131-1136	36 CFR 293 43 CFR 19, 8560 50 CFR 35	Preserve and protect wilderness areas in their natural condition for use and enjoyment by present and future generations.	All lands designated as part of the wilderness system by congress.	Apply for modification or adjustment of wilderness boundary by either Secretary of the Interior or Agriculture, as appropriate.	AGRICULTURE (USFS) DOI (FWS,NPS, BLM), AND State agencies

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<u>LAND AND WATER USAGE</u>					
Wild and Scenic Rivers Act: 16 U.S.C. 1271-1287	36 CFR 297	Preserve and protect wild and scenic rivers and immediate environments for benefit of present and future generations.	All projects which affect designated and potential wild, scenic, and recreational rivers, and/or immediate environments.	Coordinate project proposals and reports with appropriate Federal Agency.	DOI (NPS) and/or AGRICULTURE (USFS) State agencies.



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<u>LAND AND WATER USAGE</u>					
Land and Water Conservation Fund Act (Section 6(f)): 16 U.S.C. 460 -4 TO -11 (P.L. 88-578)		Preserve, develop, and assure the quality and quantity of outdoor recreation resources for present and future generations.	All projects which impact recreational lands purchased or improved with land and water conservation funds.	The Secretary of the Interior must approve any conversion of property acquired or developed with assistance under this act to other than public, outdoor recreation use.	DOI State agencies

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<u>LAND AND WATER USAGE</u>					
Executive Order 11990: Protection of Wetlands	DOT Order 5660.1A 23 CFR 777	To avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.	Federally undertaken, financed, or assisted construction, and improvements in or with significant impacts on wetlands.	Evaluate and mitigate impacts on wetlands. Specific finding required in final environmental document.	DOI (FWS), EPA, USCE, NMFS, NRCS,  State agencies

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<u>LAND AND WATER USAGE</u>					
Wetlands Mitigation Banks: (P.L. 102-240,105 STAT 1914) 23 U.S.C. 103(i)(13) 23 U.S.C. 133(b)(11)	23 CFR 771; 777	To mitigate wetlands impacts directly associated with projects funded through NHS and STP, by participating in wetland mitigation banks, restoration, enhancement and creation of wetlands authorized under the Water Resources Dev. Act, and through contributions to statewide and regional efforts.	Federally undertaken, financed, or assisted construction, and improvements, or with impacts on wetlands.	Evaluate and mitigate impacts on wetlands. Specific finding required in final environmental document.	DOI (FWS), EPA, USCE, NMFS, NRCS,  State agencies

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<u>LAND AND WATER USAGE</u>					
Emergency Wetlands Resources Act of 1986: 16 U.S.C. 3921; 3931. (P.L. 99-645)		To promote the conservation of wetlands in the U.S. in order to maintain the public benefits they provide.	All projects which may impact wetlands.	1. Preparation of a national wetlands priority conservation plan which provides priority with respect to Federal and State acquisition. 2. Provide direction for the national wetlands inventory.	FWS

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<u>LAND AND WATER USAGE</u>					
National Trails System Act: 16 U.S.C. 1241- 1249	36 CFR 251 43 CFR 8350	Provide for outdoor recreation needs and encourage outdoor recreation.	Projects affecting National scenic or historic trails designated by Congress and lands through which such trails pass. National recreation trails and side and connecting trails are proposed by local sponsors and approved by DOI and DOA	1. Apply for right-of-way easement from the Secretary of Interior or Agriculture, as appropriate. 2. Ensure that potential trail properties are made available for use as recreational and scenic trails.	DOI (NPS)  Agriculture (USFS)  Other Federal land management agencies may apply for designation

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<u>LAND AND WATER USAGE</u>					
National Recreational Trails Program (P.L. 102-240) 23 U.S.C. 206		To establish a program to allocate funds to the States to provide and maintain recreational trail and trail-related projects.	Trails and trail- related projects which are identified in, or which further a specific goal of, a trail plan included or referenced in a Statewide comprehensive outdoor recreation plan, as required by the Land and Water Conservation Fund Act	Project-sponsor applies to the State, and FHWA approves spending for project. The State may be a project sponsor. Assured access to funds is given for motorized, non-motorized, and discretionary recreation uses. States shall give preference to projects with diversified uses.	FHWA

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<u>LAND AND WATER USAGE</u>					
Rivers and Harbors Act of 1899: 33 U.S.C. 401, ET SEQ., as amended and supplemented.	23 CFR 650, Subparts D & H 33 CFR 114-115	Protection of navigable waters in the U.S.	Any construction affecting navigable waters and any obstruction, excavation, or filling.	Must obtain approval of plans for construction, dumping, and dredging permits(Sec. 10) And bridge permits(Sec. 9)	USCE USCG EPA State agencies.

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<u>LAND WATER USAGE</u>					
Federal Water Pollution Control Act (1972), as amended by the Clean Water Act (1977 & 1987): 33 U.S.C. 1251- 1376 (P.L. 92-500) (P.L. 95-217) (P.L. 100-4)	DOT Order 5660.1A 23 CFR 650 Subpart B, 771 33 CFR 209, 320-323, 325, 328, 329 40 CFR 121-125, 129-131, 133, 135-136, 230-231	Restore and maintain chemical, physical, and biological integrity of the Nation's waters through prevention, reduction, and elimination of pollution.	Any discharge of a pollutant into waters of the U.S.	<ol style="list-style-type: none"> <li>1. Obtain permit for dredge or fill material from USCE or State agency, as appropriate. (Section 404)</li> <li>2. Permits for all other discharges are to be acquired from EPA or appropriate State agency (Section 402) Phase 1-NPDES-Issued for municipal separate storm sewers serving large (over 250,000)populations or medium(over 100,000). Storm water discharges assoc. with industrial waste. Activities including construction sites &gt; 5 acres.</li> <li>3. Water quality certification is required from State Water Resource Agency. (Section 401)</li> <li>4. All projects shall be consistent with the State Non-Point Source Pollution Management Program. (Section 319)</li> </ol>	USCE, EPA, designated State Water Quality Control Agency, designated State Non-Point Source Pollution Agency



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<u>LAND AND WATER USAGE</u>					
Executive Order 11988:, Floodplain Management, as amended by Executive Order 12148	DOT Order 5650.2 23 CFR 650, Subpart A, 23 CFR 771	To avoid the long- and short-term adverse impacts associated with the occupancy and modification of floodplains, and to restore and preserve the natural and beneficial values served by floodplains.	All construction of Federal or Federally- Aided buildings, structures, roads, or facilities which encroach upon or affect the base floodplain.	1.Assessment of floodplain hazards. 2. Specific finding required in final environmental document for significant encroachments.	FEMA  State and local agencies

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<u>LAND AND WATER USAGE</u>					
National Flood Insurance Act: (P.L. 90-448)  Flood Disaster Protection Act: (P.L. 93-234) 42 U.S.C. 4001-4128	DOT Order 5650.2 23 CFR 650, Subpart A, 7 23 CFR 771, 44 CFR 59-62, 64-68, 70-71, 75-77	A. Identify flood-prone areas and provide insurance. B. Requires purchase of insurance for buildings in special flood-hazard areas.	Any Federally assisted acquisition or construction project in an area identified as having special flood hazards.	Avoid construction in, or design to be consistent with, FEMA-identified flood-hazard areas.	FEMA State and local agencies

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Marine Protection Research and Sanctuaries Act of 1972, as amended: 33 U.S.C. 1401-1445 (P.L. 92-532) (P.L. 93-254) (P.L. 96-572)	33 CFR 320, 330 40 CFR 220-225 227-228, 230-231	Regulate dumping of material into U.S. ocean waters	Any transportation to and dumping into the open sea.	Apply for permit in accordance with procedures.	EPA USCE, if dredge material

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<u>LAND AND WATER USAGE</u>					
Water Bank Act: 16 U.S.C. 1301-1311 (P.L. 91-559) (P.L. 96-182)	7 CFR 752	Preserve, restore, and improve wetlands of the nation.	Any agreements with landowners and operators in important migratory waterfowl nesting and breeding areas.	Apply procedures established for implementing Executive Order 11990.	Secretary of Agriculture Secretary of Interior

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<u>LAND AND WATER USAGE</u>					
Coastal Zone Management Act of 1972: 16 U.S.C. 145 et seq. (P.L. 92-583) (P.L. 94-310) (P.L. 96-464)	15 CFR 923, 926, 930 23 CFR 771	Preserve, protect, develop, and (where possible) restore and enhance resources of the coastal zone.	All projects significantly affecting areas under the control of the State Coastal Zone Management Agency for which a plan is approved by the Dept. Of Commerce.	Ensure that projects comply with Federal consistency regulations, management measures, and the appropriate approved State plan for Coastal Zone Management Programs.	State Coastal Zone Management Agency and the Dept. of Commerce (OCZM) (NOAA), and EPA
Coastal Zone Management Act Reauthorization Amendments of 1990: 6217(g)	23 CFR 650.211	Manage non-point source pollution of activities located in coastal zones.	All developmental activities located in coastal zone areas will be subject to non-point source control measures developed by the State Coastal Zone Agency.	Ensure projects comply with State CZM Plans for controlling non- point sources.	State CZM Agency, OCZM (NOAA), EPA

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Coastal Barrier Resources Act, as amended: 16 U.S.C. 3501-3510 42 U.S.C. 4028 (P.L. 97-348)  Great Lakes Coastal Barrier Act of 1988: (P.L. 100-707)	13 CFR 116 Subparts D,E 44 CFR 71, 205 Subpart N	Minimize the loss of human life, wasteful expenditures of Federal revenues, and the damage to fish, wildlife, and other natural resources.	Any project that may occur within the boundaries of a designated coastal barrier unit. Exemptions for certain actions are possible.	Coordinate early with the FWS regional director. Consult maps that depict the boundaries of each coastal barrier resources system unit.	FEMA DOI (FWS)

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Farmland Protection Policy Act of 1981: 7 U.S.C. 4201-4209 (P.L. 97-98) (P.L. 99-198)	7 CFR 658	Minimize impacts on farmland and maximize compatibility with state and local farmland programs and policies.	All projects that take right-of-way in farmland, as defined by the regulation.	1. Early coordination with the NRCS. 2. Land evaluation and site assessment. 3. Determination of whether or not to proceed with farmland conversion, based on severity of impacts and other environmental considerations.	NRCS

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Resource Conservation and Recovery Act of 1976 (RCRA), as amended: 42 U.S.C. 6901, ET SEQ. (P.L. 94-580) (P.L. 98-616)	40 CFR 260-271	Protect human health and the environment. Prohibit open dumping. Manage solid wastes. Regulate treatment, storage, transportation, and disposal of hazardous waste.	Any project that takes right-of-way containing a hazardous waste.	Coordinate with EPA or State agency on remedial action.	EPA or State agency approved by EPA, if any.



LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
<p>Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended: 42 U.S.C. 9601-9657 (P.L. 96-510)</p> <p>Superfund Amendments and Reauthorization Act of 1986: (SARA) (P.L. 99-499)</p>	<p>40 CFR 300 43 CFR 11</p>	<p>Provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.</p>	<p>Any project that might take right-of-way containing a hazardous substance.</p>	<ol style="list-style-type: none"> <li>1. Avoid hazardous waste sites, if possible.</li> <li>2. Check EPA lists of hazardous waste sites.</li> <li>3. Field surveys and reviews of past and present land use.</li> <li>4. Contact appropriate officials if uncertainty exists.</li> <li>5. If hazardous waste is present or suspected, coordinate with appropriate officials.</li> <li>6. If hazardous waste encountered during construction, stop project and develop remedial action.</li> </ol>	<p>EPA or State agency approved by EPA, if any.</p>

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Endangered Species Act of 1973, as amended: 16 U.S.C.1531-1543 (P.L. 93-205) (P.L. 94-359) (P.L. 95-632) (P.L. 96-159) (P.L. 97-304)	7 CFR 355 50 CFR 17, 23, 81, 222, 225-227, 402, 424, 450-453	Conserve species of fish, wildlife and plants facing extinction.	Any action that is likely to jeopardize continued existence of such endangered/ threatened species or result in destruction or modification of critical habitat.	Consult with the Secretary of the Interior or Commerce, as appropriate.	DOI (FWS) COMMERCE (NMFS)

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Fish and Wildlife Coordination Act: 16 U.S.C. 661-666(C) (P.L. 85-624) (P.L. 89-72) (P.L. 95-616)		Conservation, maintenance, and management of wildlife resources.	1. Any project which involves impoundment (surface area of 10 acres or more), diversion, channel deepening, or other modification of a stream or other body of water. 2. Transfer of property by Federal agencies to State agencies for wildlife conservation purposes.	Coordinate early in project development with FWS and State Fish and Wildlife Agency.	DOI (FWS) State Fish and Wildlife Agencies

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Migratory Bird Treaty Act 16 U.S.C. 760c-760g		To protect most common wild birds found in the United States.	Makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird. Indirect killing of birds by destroying their nests and eggs, is covered by the act, so construction in nesting areas can constitute a taking.	The FWS is to review and comment on the effects of a proposal that could kill birds, even indirectly.	DOI (FWS), State Fish and Wildlife Agencies

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
Transportation Enhancement Activities: (P.L. 102-240) 23 U.S.C. 101(a)(35); 23 U.S.C. 133(b)		To provide funds for Transportation Enhancement activities, such as landscaping and beautification, rehabilitation and operation of historic transportation facilities.	Funds are to be used in all areas except roads classified as local or rural minor collectors, unless such roads are on a Federal-Aid highway system	10% of STP funds annually apportioned to each State are for Transportation Enhancement activities.	FHWA

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>LAND AND WATER USAGE</u>					
National Scenic Byways Program: (P.L. 102-240) 23 U.S.C. 162		To identify and develop those special scenic byways that offer outstanding scenic, historic, natural, cultural, recreational, or archaeological values.	Any public road or highway which meets the criteria for inclusion as a Scenic Byway or an All-American Road.	Nominations may originate from any local government, private group or individual, but must come through the States. Final designations are made by the Secretary of Transportation.	FHWA

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>NOISE</u>					
Standards: 23 U.S.C. 109(i) (P.L. 91-605) (P.L. 93-87)	23 CFR 772	Promulgate noise standards for highway traffic.	All Federally funded projects for the construction of a highway on new location, or the physical alteration of an existing highway which significantly changes either the vertical or horizontal alignment or increases the number of through-traffic lanes.	1. Noise impact analysis. 2. Analysis of mitigation measures. 3. Incorporate reasonable and feasible noise abatement measures to reduce or eliminate noise impact.	

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>AIR QUALITY</u>					
Clean Air Act (as amended), Transportation Conformity Rule: 23 U.S.C. 109(j) 42 U.S.C. 7521 (a) (P.L. 101-549)	23 CFR 771 40 CFR 51 and 93	To insure that transportation plans, programs and projects conform to the State's air quality implementation plans.	Non-attainment and maintenance areas.	1. Transportation plans, programs, and projects must conform with State Implementation Plan (SIPs) that provide for attainment of the national ambient air quality standards.	FTA, EPA, MPOs, State Departments of Transportation and State and local Air Quality Control Agencies.



LEGISLATIVE REFERENCE	REGULATION S REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>AIR QUALITY</u>					
Clean Air Act (as amended), Sanctions: 42 U.S.C. 7509, sec.179 (b) sec. 110 (m) (P.L. 101-549)	40 CFR 52	To restrict federal funding and approvals for highway projects in States that fail to submit or implement an adequate State Implementation Plan (SIP).	In non-attainment areas 24 months after EPA has identified a SIP deficiency. May be applied Statewide under separate rulemaking.	1. After EPA finds that a State failed to submit or implement a SIP, that the SIP is incomplete, or disapproves a SIP, an 18 month time clock begins. 2. Unless deficiencies are corrected within 18 months, 2:1 offset sanctions are applied. Six months later highway sanctions are applied.	EPA

LEGISLATIVE REFERENCE	REGULATIONS REFERENCE	PURPOSE	APPLICABILITY	GENERAL PROCEDURES	AGENCY FOR COORDINATION AND CONSULTATION
<u>AIR QUALITY</u>					
Congestion Mitigation and Air Quality Improvement Program (CMAQ): Transportation Equity Act for the 21 <sup>st</sup> Century, Section 1110 23 U.S.C. 149		To assist non- attainment and maintenance areas reduce transportation related emissions.	Transportation programs or projects in non-attainment areas and areas redesignated to maintenance that are likely to contribute to the attainment or maintenance of the NAAQS.	1. Project sponsor (transit operator, municipal office, etc.) develops formal proposal to improve air quality. 2. Submit to the MPO, State for evaluation, and approval. 3. Included in the TIP and approved as eligible by FTA and FHWA in consultation with EPA.	FTA, EPA, MPOs, State Departments of Transportation, and State and local Air Quality Control Agencies.

## ABBREVIATIONS

BIA ..... Bureau of Indian Affairs  
BLM ..... Bureau of Land Management

CEQ ..... Council on Environmental Quality  
CERCLA ..... Comprehensive Environmental Response,  
                  Compensation, and Liability Act  
CFR ..... Code of Federal Regulations

DOA ..... Department of the Army  
DOD ..... Department of Defense  
DOI ..... Department of the Interior  
DOT ..... Department of Transportation

EPA ..... Environmental Protection Agency

FAPG ..... Federal Aid Program Guide  
FEMA ..... Federal Emergency Management Agency  
FHPM ..... Federal-Aid Highway Program Manual  
FIFRA ..... Federal Insecticide, Fungicide, and Rodenticide Act  
FTA ..... Federal Transit Authority  
FWPCA ..... Federal Water Pollution Control Act  
FWS ..... Fish and Wildlife Service

HUD ..... Housing and Urban Development

ISTEA ..... Intermodal Surface Transportation Act of 1991

MPO ..... Metropolitan Planning Organizations

NMFS ..... National Marine Fisheries Service  
NPDES ..... National Pollution Discharge Elimination System  
NPS ..... National Park Service  
NRCS ..... National Resources Conservation Service

OCZM ..... Office of Coastal Zone Management

P.L. .... Public Law

RCRA ..... Resource Conservation and Recovery Act

SARA ..... Superfund Amendments and Reauthorization Act  
SEE ..... Social, economic, and environmental  
SIP ..... State Implementation Plan  
STAT..... Statute  
STP ..... Surface Transportation Program

TVA ..... Tennessee Valley Authority

U.S.C. .... United States Code  
USCE ..... U.S. Corps of Engineers  
USCG ..... U.S. Coast Guard  
USFS ..... U.S. Forest Service